

MEMORIAL RESOLUTION

S.R. 51 - By Carriker: In memory of Jessie Denton of Wichita Falls.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 52 - By Glasgow: Welcoming students from Tarleton State University accompanied by their sponsors, Bart Bradberry, student body president, and Ben Bradberry, senior class president.

S.R. 53 - By Barrientos: Paying tribute to Colonel Joe E. Milner on the occasion of his retirement as Director of the Texas Department of Public Safety after 37 years of service.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 4:14 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(July 24, 1991)

S.B. 9

S.C.R. 2

S.C.R. 6

NINTH DAY

(Thursday, July 25, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Harris of Tarrant.

A quorum was announced present.

The Reverend John Flowers, Oak Hill United Methodist Church, Austin, offered the invocation as follows:

Lord God, I come to pray today with a specific concern in my heart. Far too often these, our leaders of this great State, receive criticism and blame for their decisions as they struggle with the issues of taxation and education and prisons. I come not with a critique, but with a thanksgiving. This group has been a big part of the decision as to building new State prisons, and I come with a grateful heart filled with thanksgiving.

I had the opportunity to spend five full days in the Ferguson Unit outside of Huntsville just this past week. I heard from several inmates, one in particular, as they described the correlation between overcrowding conditions and tension, anxiety and violence. What these men and women have done with their vote is to

make sure that at least one inmate will not be beaten, that other inmates might not be raped, and indeed even, it is my firm conviction, after speaking with the inmates themselves, that they have by their decision prevented murder inside of our system.

I pray, dear God, in the spirit of thanksgiving that they have had the bold courage to make such a decision. I also pray that somehow, walking past the Ferguson Unit chapel and seeing the chains and the locks on the doors, as it's been condemned for two years, that that might be changed. This is the very chapel where our Governor, Ann Richards, offered a talk during spiritual formation retreat herself, some five years ago.

Please, dear God, be with these men and women as they continue in their courage to do what has to be done. And I bring thanksgiving and grateful spirit from the prisoners who have felt their wisdom and now can look towards a world with less anxiety and fear in their day-to-day existence. This I pray in Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Harris of Tarrant was granted leave of absence for today on account of important business on motion of Senator Moncrief.

MESSAGE FROM THE HOUSE

House Chamber
July 25, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 2, Relating to primary, secondary, and post-secondary education.

H.B. 7, Relating to the delivery of health and human services.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.J.R. 4**: Hightower, Chair; Carter, Russell, Granoff, Stiles.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 24**: Hightower, Chair; Carter, Russell, Granoff, Stiles.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Parker was recognized and introduced a business associate from Monte Carlo, Renny Doyle.

The Senate welcomed Mr. Doyle.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced former Senator of the 21st District, John Traeger.

The Senate extended a warm welcome to Senator Traeger.

CAPITOL PHYSICIAN

Senator Turner was recognized and presented Dr. Jose M. Ugarte of Eagle Lake as the "Doctor for the Day."

The Senate welcomed Dr. Ugarte and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

REPORT OF STANDING COMMITTEE

Senator Haley submitted the following report for the Committee on Administration:

C.S.H.B. 78**SENATE BILL ON FIRST READING**

The following bill was introduced, read first time and referred to the Committee indicated:

S.B. 82 by Brooks, Carriker, Dickson, Johnson, Krier, Finance
Montford, Parker, Truan, Whitmire, Zaffirini, Lucio, Bivins
Relating to the levy of an assessment against certain hospitals and hospital districts and to the use of those funds; making an appropriation.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 2, To Committee on Finance.

H.B. 7, To Committee on State Affairs.

COMMITTEE SUBSTITUTE**SENATE BILL 22 ON THIRD READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 22, Relating to the delivery of health and human services.

The bill was read third time.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 13

Amend **C.S.S.B. 22** as follows:

(1) On page 14, beginning on line 57, by striking Section 4.01 in its entirety and by renumbering the remaining sections accordingly.

(2) On page 16, after the word "child," on line 20 by striking the remainder of Subsection (h) and by substituting in lieu thereof the following:
"employer shall enroll the child at the next available enrollment period. If dependent coverage is not available to the employee through the employer's health insurance plan, the employer shall only be responsible for providing notice of this fact as provided by subsection (i) of this section and is not responsible or otherwise liable for providing such coverage."

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 14

Amend **C.S.S.B. 22** by adding the following section appropriately numbered to read as follows:

SECTION _____. (a) Human Resources Code 32.021 is amended by adding Subsections (d) through (g) to read as follows:

(d) The department may include in its contracts for the delivery of medical assistance by nursing facilities provisions for monetary penalties to be assessed for contract violations threatening the health or safety of nursing facility residents, provided that the department:

(1) establish a Penalties and Sanctions Advisory Committee of consumer advocates and long-term care providers to help develop and monitor an appropriate system for assessing penalties, and

(2) develop rules in accordance with the Administrative Procedure and Texas Register Act.

(e) Rules governing the application of penalties shall include the following:

(1) Specific and objective criteria which describe the scope and severity of a contract violation which results in a recommendation for each specific penalty. Penalties must be appropriate to the violation and the most severe financial penalties must be reserved for situations which create an immediate and serious threat to the health and safety of residents. "Immediate and serious threat" means a situation in which there is a high probability that serious harm or injury to patients could occur at any time, or already has occurred and may well occur again if patients are not protected effectively from the harm, or if the threat is not removed.

(2) A system to ensure standard and consistent application of penalties among surveyors and different areas of the state.

(3) Due process for nursing facilities providers, including an appeals procedure consistent with the Administrative Procedure and Texas Register Act.

(4) Per diem and/or minimum penalties. The department may by rule prescribe a minimum penalty period. However, once a facility gives the department notice that deficiencies have been corrected, if surveyors are unable to revisit the facility within five days and the deficiencies are later shown to be corrected, the per diem penalties cease as of the day the facility gave notice to the department, or on the last day of the minimum penalty period established by the department, whichever is later.

(f) To encourage facilities to provide the best possible care, the department shall develop an incentive program to recognize facilities providing the highest quality care to medicaid residents.

(g) Funds collected as a result of the imposition of penalties shall be applied to the protection of the health or property of residents of nursing facilities—including the cost of relocation of residents to other facilities and maintenance of operation of a facility pending correction of deficiencies or closure—or to incentive programs which recognize the highest quality care to residents who are entitled to medicaid.

(b) Human Resources Code 32.034(a) is amended to read as follows:

(a) When the department intends to cancel its contract or impose monetary penalties under a contract with a person providing medical assistance, the department shall give reasonable notice and an opportunity for hearing if one is requested. The department shall adopt rules consistent with the Administrative Procedure and Texas Register Act (Article 6252-13A, Vernon's Texas Civil Statutes) to implement this section, and hearings under this section are contested cases under that act.

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

**COMMITTEE SUBSTITUTE
SENATE BILL 22 LAID ON TABLE SUBJECT TO CALL**

On motion of Senator Brooks and by unanimous consent, **C.S.S.B. 22** was Laid on Table Subject to Call.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Glasgow and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider the following bills today:

H.B. 7

H.B. 9

S.B. 7

SENATE RULE 11.11 SUSPENDED

On motion of Senator Montford and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Finance might consider **H.B. 2** tomorrow.

RECESS

On motion of Senator Brooks, the Senate at 11:31 a.m. took recess until 3:00 p.m. today.

AFTER RECESS

The Senate met at 3:00 p.m. and was called to order by Senator Brooks.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Glasgow submitted the following report for the Committee on State Affairs:

H.B. 7 (Amended)

CONGRATULATORY RESOLUTIONS

S.R. 54 - By Henderson: Extending congratulations to Keith Love on achieving the rank of Eagle Scout.

S.R. 55 - By Ellis: Honoring The Reverend Ronald Keith Mouton, Sr., of East Bethel Missionary Baptist Church.

S.R. 56 - By Ellis: Recognizing the National Coalition of 100 Black Women on the occasion of its annual luncheon, July 27, 1991.

S.R. 57 - By Armbrister: Recognizing Mount Rose Missionary Baptist Church of Bastrop on the occasion of its 105th anniversary.

S.R. 58 - By Sims: Recognizing James Frederick Wittenburg of Rocksprings on his recent selection for the Sul Ross State University Distinguished Alumni Award.

S.R. 59 - By Sims: Extending congratulations to Mr. and Mrs. E. A. "Al" Williams of San Angelo on the occasion of their 50th wedding anniversary.

S.R. 60 - By Sims: Extending congratulations to Mr. and Mrs. Bill Strickland of San Angelo on the occasion of their 45th wedding anniversary.

S.R. 61 - By Sims: Extending congratulations to Mr. and Mrs. James Rogers of Midland on the occasion of their 50th wedding anniversary.

ADJOURNMENT

On motion of Senator Dickson, the Senate at 3:02 p.m. adjourned until 10:00 a.m. tomorrow.